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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,298	01/25/2005	Cornelius Antonius Hezemans	NL 020683	1496
24737 7590 02/13/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER NGUYEN, LINH THI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 02/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/522,298

**Applicant(s)**HEZEMANS, CORNELIUS  
ANTONIUS**Examiner**

Linh T. Nguyen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Semba (US Patent Number 5317550).

In regards to claim 1 Semba discloses a method of controlling a disc drive apparatus of a type comprising: a sledge radially displaceable with respect to an apparatus frame (Fig. 1, element 26 coarse actuator); and a platform radially displaceable with respect to said sledge (Column 4, lines 15-17); the method of controlling comprising the acts of detecting at least one of a substantial deceleration or acceleration and stop of the sledge when moving radially; by detecting a radial displacement of said platform with respect to said sledge (Column 4, lines 25-40), and controlling the sledge based upon the detecting acts (Column 6, lines 20-37).

In regards to claim 3, Semba discloses a method according to claim 1, comprising an act of detecting an optical read signal and deriving from the optical read

signal an X-displacement signal (Column 4, lines 25-30).

In regards to claim 7, Semba discloses method for initializing a radial position of an optical lens in a start-up phase of a disc drive apparatus, the method comprising of comprising acts of: exerting a force on said sledge; detecting at least one of a substantial deceleration or stop of the sledge using a method according to claim 1 (Column 6, lines 59-69); and stopping said force (Fig. 3, deceleration does not exert a force) as soon as a substantial radial displacement of said platform with respect to said sledge is detected (Fig. 3 as sledge is detected by position 82 or 80 it accelerate and decelerate depending on the detection).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Semba in view of Chou (US Patent Number 6229773).

In regards to claim 2, Semba discloses everything claimed in claim 1 above. However, does not disclose a method according to claim 1, wherein the method of detecting comprises step act of detecting a back-EMF in an electromagnetic device in an actuator for displacing said platform with respect to said sledge, the method

comprising the step of detecting a back-EMF in said electromagnetic device.

In the same field of endeavor, Chou discloses a method, wherein the method of detecting comprises step act of detecting a back-EMF in an electromagnetic device in an actuator for displacing said platform with respect to said sledge (Fig. 9), the method comprising the step of detecting a back-EMF in said electromagnetic device (Fig. 10-11). At the time of the invention it would have been obvious of a person of ordinary skill in the art to modify the method of Semba to have a step of detecting a back-EMF as suggested by Chou. The motivation for doing so would have been to reduce the fluctuation of the tracking coil (Column 10, lines 17-18).

In regards to claims 4 and 6, Semba discloses a method according to claims 1 and 5, wherein detecting at least one of a substantial deceleration or acceleration or stop of the sledge occurs when a detected radial displacement of said platform with respect to said sledge (Fig. 1). However, Semba does not but Chou discloses a method wherein the sledge exceeds a predetermined decision threshold (Fig. 7C and Column 7, lines 63-67). The motivation is the same as claim 2 above.

In regards to claim 5, Semba does not but Chou discloses a method, comprising an act of detecting an actuator control signal activated to counteract the radial displacement of said platform with respect to said sledge (Column 6, lines 54-58). The motivation is the same as claim 2 above.

In regards to claim 8, Semba discloses a disc drive apparatus, comprising: radially displaceable scan means, comprising: a sledge radially displaceable with respect to an apparatus frame (Fig. 1, coarse actuator 26); a platform radially displaceable with respect to said sledge (Fig. 1, fine actuator element 28). However, Semba does not disclose the detection of a sledge stop detection means for detecting that the moving sledge coming to a stop; said sledge stop detection means comprising radial displacement detection means for detecting a radial displacement of said platform with respect to said sledge.

In the same field of endeavor, Chou discloses the detection of a sledge stop detection means (Fig. 7B as the force is zero) for detecting that the moving sledge coming to a stop (Fig. 7A-B); said sledge stop detection means comprising radial displacement detection means for detecting a radial displacement of said platform with respect to said sledge (Column 7, lines 55-63). At time of the invention it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Semba to have a sledge stop detection mean as suggested by Chou. The motivation for doing so would have been to reduce the fluctuation of the tracking coil (Column 10, lines 17-18).

In regards to claim 10, Semba discloses a apparatus according to claim 8, comprising: an optical system for scanning a disc, the optical system defining an optical path of which at least a part is substantially fixed with respect to said sledge and comprising an optical element which is fixed with respect to said platform; wherein said the radial displacement detection means are designed to detect an optical read signal

and deriving from the optical read signal an X-displacement signal (Column 4, lines 25-30).

In regards to claim 9, rejected for the same reasons as claim 2 above.

In regards to claim 11, rejected for the same reasons as claim 4 above.

In regards to claim 12, rejected for the same reasons as claim 5 above.

In regards to claim 13, rejected for the same reasons as claim 6 above.

In regards to claim 14, Semba does not but Chou discloses an apparatus according to claim 8, further comprising: a controllable sledge actuator (Fig. 6A, element 640) configured to move said sledge radially with respect to said apparatus frame (Fig. 6B); a control unit configured to control said sledge actuator (Fig. 6A, element 640); said control unit configured to respond to said radial displacement detection means to switch off (Fig. 7B) said sledge actuator when said radial displacement detection means indicated that said sledge has come to a stop (Fig. 7B and column 7, lines 61-63). The motivation is the same as claim 8 above.

In regards to claim 15, Semba does not but Chou discloses an apparatus, wherein a displacement range (Fig. 6B) of said sledge with respect to said apparatus frame is restricted by at least one end stop (Fig. 6B end of the sledge); wherein said control unit is designed, in an initializing phase, to energize (exerting force) said sledge actuator such as to move said sledge towards said end stop (Fig. 7B); and wherein said

control unit is configured to switch off (Fig. 7B, force is zero at position B) said actuator as soon as said sledge has reached said end stop (Fig. 7A-B). The motivation is the same as claim 8 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

February 8, 2008  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

